



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,144	09/10/2003	Igor Katsman	137992	3041

7590 06/28/2005

Dean D. Small
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Square
St. Louis, MO 63102

EXAMINER

JAWORSKI, FRANCIS J

ART UNIT	PAPER NUMBER
----------	--------------

3737

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/659,144	Applicant(s) KATSMAN ET AL. C	
	Examiner Jaworski Francis J.	Art Unit 3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/15/04 (IDS).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>15 April 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3737

DETAILED ACTION

Claim Rejections - 35 USC § 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2, 4-8, 10-17 are rejected under 35 U.S.C. 102(b) as anticipated by Johnson et al (US6351547). Irrespective of the fact that applicants are describing their system as in contrast to DICOM format viewing per spec para [0002], the base claim directly reads against Johnson et al col. 3 lines 37-43 since therein is proposed that the locally stored (36) ultrasound image data for a given patient is converted via 40-42 by selections within applications software in the network manager to convert the data into a destination-based configuration acceptable by the LAN-linked remote output device such as print-viewable output. A queued message may invoke retrieval of an individual image file, see col. 14, and would include the multiple patient identifiers of col. 10 bottom.

Claims 1-6, 8-13, 15-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood et al (US5715823) which teaches conversion of the ultrasound image data for an identified patient into HTML format using an HTTP server for conventional Internet transport of images including cineloop (col. 9 bottom) to a remote PC having Web browser software such that the Web user may define the source and destination for requested image information. The user may define a search request for image data per col. 8 discussion. The HTTP server and Web browser together with CGI software and network software serve in the scanner view and media view control functions of the latter claims.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood et al as applied to claim 1 above, and further in view of Haskin (US5724101) since Fig. 3 together with ultrasound equivalence teaching col. 4 top and col. 7 lines 52-58 in that

Art Unit: 3737

patent suggest that it was heretofore well-known to convert network-delivered images to formats appropriate for the user device..

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood et al as applied to claim1 above, and further in view of Killcommons et al (US6424996) since the latter evidences col. 2 bottom that compression formats such as JPEG are well-known for efficient ultrasound image data transfer over the Internet, see also col. 1 line 55.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood et al as applied to claim13 above, and further in view of Johnson et al which notes col. 10 bottom that a patient identifier includes redundant identifier sets (name, ID, Birthdate) against error.

Parvulescu et al (US6678764) is directed to Web-based archiving and retrieval of ultrasound images and is analogous to Wood et al.

Saccardo et al (US6471649) col. 1 bottom is directed to storage of ultrasound images in a severality of PC-readable formats.

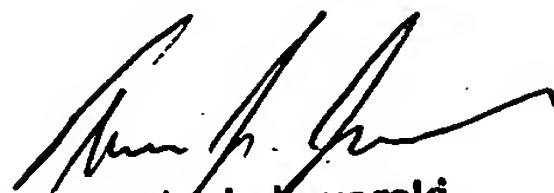
Tipirneni is directed to use of a digital camera as a format converter for instantaneous Internet uploads of medical images.

Wood et al (US2004/0061889) pertains to centralized ultrasound image processing with forwarding to clients based upon preferences understood to be format – related.

Argiro et al (US5986662) is directed to retrieval of inter alia ultrasound images using DICOM or non-DICOM protocols, see col. 10-11 bridging.

Art Unit: 3737

Any inquiry concerning this communication should be directed to Jaworski
Francis J. at telephone number 571-272-4738



Francis J. Jaworski
Primary Examiner

FJJ:fjj

06242005